

Committee of the Whole

May 14, 2013

The Committee of the Whole of the Benton County Quorum Court met Tuesday, May 14, 2013 at 6:00 p.m. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

14 JPs Present: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Anglin, Blaty, Curry, Carr, Meyers, Moore, Moehring
1 Absent: Sandlin

Others Present: County Judge Bob Clinard, Assessor Glenn “Bear” Chaney, Sheriff Kelly Craddock, County Clerk Tena O’Brien, Treasurer Deanna Ratcliff, County Attorney George Spence, Administrator of General Services John Sudduth, HR Manager Barbara Ludwig, Comptroller Sarah Daniels, Administrator of Public Services Marshal Watson, Department of Emergency Management Director Robert McGowen

Media: Tom Sissom - Daily Record

Chair Kurt Moore called the meeting to order.

PUBLIC COMMENTS

None

JP J. Harrison made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Carr.

JP K. Harrison made motion to move Item “Q” up on the agenda to follow Item “H”, seconded by JP Moehring

Motion passed by unanimous show of hands vote.

A. Resolution Request: Authorizing the County Judge to Apply for an Arkansas State Police – Selective Traffic Enforcement Program (S.T.E.P.) Grant

JP Jones made motion to approve and forward the proposed resolution to the May 23, 2013 Quorum Court agenda, seconded by JP Adams.

Motion passed by unanimous show of hands vote.

B. Resolution Request: Granting a Waiver of Policy in Assessor, Dept. 07 and Jail Dept 67– Salary Increases

JP Moehring made motion to approve and forward the proposed resolution to the May 23, 2013 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

C. Resolution Request: Confirming County Judge’s Appointment of Jeff Parks to the Benton County Dive Team Board, Position 1

JP Moehring made motion to approve and forward the proposed resolution to the May 23, 2013 Quorum Court agenda, seconded by JP Carr.

Motion passed by unanimous show of hands vote.

D. Resolution Request: Confirming County Judge’s Appointment of Shawn Holloway to the Benton County Dive Team Board, Position 2

JP Carr made motion to approve and forward the proposed resolution to the May 23, 2013 Quorum Court agenda, seconded by JP Curry.

Motion passed by unanimous show of hands vote.

E. Resolution Request: Confirming County Judge’s Appointment of Brandon Rogers to the Benton County Dive Team Board, Position 3

JP Moehring made motion to approve and forward the proposed resolution to the May 23, 2013 Quorum Court agenda, seconded by JP Carr.

Motion passed by unanimous show of hands vote.

F. Resolution Request: Confirming County Judge’s Appointment of Ralph Randall to the Benton County Dive Team Board, Position 5 Sponsor: Quorum Court

JP Jones made motion to approve and forward the proposed resolution to the May 23, 2013 Quorum Court agenda, seconded by JP Blaty.

Motion passed by unanimous show of hands vote.

G. Resolution Request: Confirming the Quorum Court’s Appointment to the Benton County Equalization Board

Jana Jobe stated that she has been on the Equalization Board for four years, is an Executive Broker for Beaver Lake Realty and has been in real estate for 25 years. She added that she is also a licensed real estate appraiser, and that she would like to be re-appointed.

JP Allen made motion to appoint Jana Jobe to the Benton County Equalization Board and forward the proposed resolution to the May 23, 2013 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

H. Resolution Request: Accepting the Legislative Audit Report for Benton County Year 2011

JP Allen made motion to approve and forward the proposed resolution to the May 23, 2013 Quorum Court agenda, seconded by JP Harrison.

Motion passed by unanimous show of hands vote.

Q. Discussion: Appropriation Ordinance Request – Nonrecurring Salary Adjustment

JP Moehring stated these are the nonrecurring salary adjustment numbers that were recommended by the County Elected Officials and passed by both the Personnel and Finance Committees. He stated that he supported the nonrecurring salary adjustment at both meetings.

JP Moehring made motion to approve and forward the proposed appropriation ordinance to the May 23, 2013 Quorum Court agenda, seconded by JP Jones.

JP Meyers stated that he felt that the employees should have an increase in monthly take home pay as opposed to the proposed nonrecurring salary adjustment.

JP J. Harrison presented his recommendation which reduced the number of employees eligible for the non-recurring salary adjustment.

JP Adams stated that Benton County employees work hard for Benton County and that the nonrecurring salary adjustment should be passed on as written, and that a possible salary increase be worked into the budget for discussion next year.

JP Allen stated that he appreciates the employees, but he would rather focus on building raises into the budget for 2014. He said that he is opposed to this nonrecurring salary adjustment for many reasons, that it has been recurring too many times in his time on the court and that he would like to focus on raises.

JP Jones stated that if this is approved now, it may affect raises later on. He added that the Elected Offices need to present to the court budgets which will allow raises. He said that he agrees with the proposed number and the proposed nonrecurring salary adjustment request and that it should be moved on to the Quorum Court.

JP McKenzie stated that they should look at the budget to see how salary increases could be adjusted for the employees that are out of line with the market. He added that he could not support the nonrecurring salary adjustment.

JP Hernandez stated that this is going to increase morale and help the economy. He asked the Elected Officials to work with the Human Resources Department to come up with a way to give merit increases, and that he supports the nonrecurring salary adjustment.

Lengthy discussion was held on the proposed tiers of the nonrecurring salary adjustment and the amount proposed for each tier.

Elected Officials' Recommendation for Nonrecurring Salary Adjustment

Category	# Employees	Amount	Total All Funds	Impact on General Fund
FT Employees hired prior to 1/1/2012	486	\$ 1,125	\$ 546,750.00	\$ 426,933.01
FT Employees hired 1/1/2012 to 12/31/2012	109	\$ 875	\$ 95,375.00	\$ 95,375.00
FT Employees hired 1/1/2013 to 3/31/2013	18	\$ 250	\$ 4,500.00	\$ 4,914.90
TOTALS	613		<u>\$ 646,625.00</u>	<u>\$ 527,222.91</u>
Total Wages and Benefits			<u>\$ 808,281.00</u>	<u>\$659,029.00</u>

1.91% increase in the General Fund Budget

Sheriff Kelly Craddock stated that our employees do their jobs because they care about helping people and deserve much more than the proposed bonuses. He added they need it now rather than waiting for next year's budget. He asked that the court consider giving the employees the nonrecurring salary adjustment.

Further lengthy discussion was held on passing the nonrecurring salary adjustment, and including salary increases during the 2014 budget process.

County Judge Bob Clinard stated that the employees deserve the nonrecurring salary adjustment.

JP Carr called for the question, seconded by JP Blaty.

Motion passed by show of hands vote.

12 in favor: Hernandez, J. Harrison, K. Harrison, Adams, Jones, Anglin, Blaty, Curry, Carr, Moore, Meyers, Moehring
 2 opposed: McKenzie, Allen
 1 absent: Sandlin

Chair JP Moore called for a 5-minute recess.

Meeting reconvened.

I. Ordinance Request: Amending Ordinance No. O-2000-64 Benton County Employment Policy

JP Jones made motion to approve and forward the proposed ordinance to the May 23, 2013 Quorum Court agenda, seconded by JP Carr.

Human Resources Manager Barbara Ludwig noted that the language in the Sick Leave section of the Employment Policy regarding cumulative hours was changed from 320 hours (8 weeks,) to 480 hours (12 weeks).

JP Jones stated this was discussed at Personnel and made motion to amend his motion to approve the language change in the Sick Leave section to 480 hours or 12 weeks, seconded by JP Carr.

Discussion was held on the changes made to the Sick Leave policy.

Motion passed by unanimous show of hands vote.

J. Appropriation Ordinance Request: County Judge's Office, Dept. 01, Fund 010

JP J. Harrison stated this appropriation ordinance request is to appropriate \$32,500 for a Courthouse Feasibility Study.

JP J. Harrison made motion to approve and forward the proposed appropriation ordinance to the May 23, 2013 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

K. Appropriation Ordinance Request: Juvenile Detention, Dept. 35, Fund 440

JP Jones stated this appropriation ordinance request is to appropriate \$10,000 to install a lawn irrigation system at the Juvenile Justice Center.

JP Jones made motion to approve and forward the proposed appropriation ordinance to the May 23, 2013 Quorum Court agenda, seconded by JP Curry.

Motion passed by unanimous show of hands vote.

L. Appropriation Ordinance Request: Non-Departmental Maintenance, Dept. 23, Fund 010

JP J. Harrison stated this appropriation ordinance request is to appropriate \$8,500 for the Administration Building HVAC Project funded in 2012.

JP J. Harrison made motion to approve and forward the proposed appropriation ordinance to the May 23, 2013 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

M. Appropriation Ordinance Request: Sheriff, Dept. 05, Fund 440

JP Moehring stated this appropriation ordinance request is to appropriate \$21,500 to convert the Sheriff's Office sprinkler system from a water-based system to a clean agent-based system.

JP Moehring made motion to approve and forward the proposed appropriation ordinance to the May 23, 2013 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

N. Appropriation Ordinance Request: County Fire Services, Dept 47, Fund 480

JP Jones stated this appropriation ordinance request is to appropriate \$200,000 in revenue received from Act 833 monies to the Rural Fire Departments.

JP Jones made motion to approve and forward the proposed appropriation ordinance to the May 23, 2013 Quorum Court agenda, seconded by JP J. Harrison.

Motion passed by unanimous show of hands vote.

O. Appropriation Ordinance Request: Search/Rescue – Dive Team, Dept. 69, Fund 010

JP Curry stated this appropriation ordinance request is to transfer \$2,071 between categories for maintenance on the Dive Team's air tank filling station; Sponsor: JP Steve Curry

JP Curry made motion to approve and forward the proposed appropriation ordinance to the May 23, 2013 Quorum Court agenda, seconded by JP Carr.

Motion passed by unanimous show of hands vote.

P. Appropriation Ordinance Request: Jail, Dept. 67, Fund 931

JP Jones stated this appropriation ordinance for \$18,100 is to purchase additional uniforms for the Sheriff.

JP Jones made motion to approve and forward the proposed appropriation ordinance to the May 23, 2013 Quorum Court agenda, seconded by JP Adams.

Motion passed by unanimous show of hands vote.

ITEM Q moved below Item H of the agenda.

R. Appropriation Ordinance Request: County Road, Dept. 44, Fund 020

JP J. Harrison stated this appropriation ordinance is to appropriate \$520,000 to pay for the April 18, 2013 Storm Damages.

JP J. Harrison made motion to approve and forward the proposed appropriation ordinance to the May 11, 2013 Quorum Court Agenda, seconded by JP McKenzie.

JP Jones asked since there has been more storm damage do they need to increase these numbers?

County Judge Bob Clinard stated the appropriation ordinance could be delayed and presented after they receive the final number for storm damages.

JP J. Harrison made motion to table the proposed appropriation ordinance request, seconded by JP Jones.

Motion to table passed by unanimous show of hands vote.

S. Appropriation Ordinance Request: County Road, Dept. 44, Fund 020 and Jail, Dept. 67, Fund 330

Amend Schedule 4 – Add three Equipment Operator II’s – Grade 7

Add two part-time Licensed Practical Nurses – Grade 11

JP Curry made motion to approve and forward the proposed appropriation ordinance to the May 23, 2013 Quorum Court agenda, seconded by JP McKenzie.

Administrator of Public Services Scott Stober stated that he would like to withdraw his request to add three Equipment Operator II’s; he is going to reorganize the Road Department and delete positions, so that skilled equipment operators could be hired in at a higher wage scale.

Discussion was held on the need to hire skilled equipment operators and adjusting the wage scale to accommodate hiring skilled laborers.

JP Moehring made motion to amend the proposed appropriation ordinance to remove three equipment operators II’s from the appropriation ordinance, and leave the two part-time Licensed Practical Nurses positions and forward to the May 23, 2013 Quorum Court agenda, seconded by JP McKenzie.

JP Curry stated that the two part-time Licensed Practical Nurse positions are being mandated by the Federal Law “Prison Rape Elimination Law” (PREA) which requires the nursing staff to dispense medications to inmates.

Motion passed by unanimous show of hands vote.

T. Appropriation Ordinance Request: Transfer from General Fund, Fund 010 to County Road, Fund 020

JP Jones stated that the appropriation ordinance request is for \$1,575,000.00. \$1.1 million for the ½-cent sales tax for the Road Plan, and \$475,000 for heavy equipment.

JP Jones made motion to approve and forward the proposed appropriation ordinance to the May 23, 2013 Quorum Court agenda, seconded by JP Blaty.

Motion passed by unanimous show of hands vote.

U. Appropriation Ordinance Request: County Road, Dept. 44, Fund 020

JP Jones stated this is to transfer \$330,000 between categories to purchase additional equipment for the Road Department - one 6 K Dozer and three Sheep's Foot Rollers.

JP Jones made motion to approve and forward the proposed appropriation ordinance to the May 23, 2013 Quorum Court agenda, seconded by JP Carr.

Motion passed by unanimous show of hands vote.

Unanimous approval was granted by the court to authorize the Road Department to go ahead and place the order for the additional equipment.

V. Appropriation Ordinance Request: Jail, Dept. 67, Fund 010 and Sheriff, Dept. 05, Fund 010

JP Jones stated this is to establish and fund a work clothing allowance benefit to approved positions in the Jail and the Sheriff's Departments.

JP Jones made motion to approve and forward the proposed appropriation ordinance to the May 23, 2013 Quorum Court agenda, seconded by JP K. Harrison.

Motion passed by unanimous show of hands vote.

W. Ordinance Request: Sheriff, Dept, 05, Fingerprinting Fee

JP Blaty stated this is to authorize the Sheriff's office to charge a \$10.00 user fee for providing fingerprinting services not connected to law enforcement.

JP Blaty made motion to approve and forward the proposed ordinance to the May 23, 2013 Quorum Court agenda, seconded by JP Jones.

Discussion was held on the advantages and convenience of the Sheriff's Department offering the fingerprinting services to the public.

Motion passed by unanimous show of hands vote.

X. Appropriation Ordinance Request to Amend Appropriation Ordinance No. O-2013-14 - NEBCO Fire Department

JP J. Harrison stated this is to amend ordinance No. O-2013-14 to correct fund numbers and titles from "Rocky Branch Fire Department, Fund 483" to "NEBCO Fire Department, Fund 487."

JP J. Harrison made motion to approve and forward the proposed appropriation ordinance to the May 23, 2013 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

Y. Discussion: Committee Structure – JP Susan Anglin

JP Susan Anglin stated that she had asked for this discussion to share concerns about how Benton County utilizes the Committee of the Whole. She stated that Wes Fowler, Legislative Director of Arkansas Association of Counties, shared his concerns about the Benton County Committee of the Whole and that his concerns were;

- Public input is limited because most people think the work is done during committees and decided at Quorum Court.
- The County Judge's authority could be limited as he has less authority over the committee.
- By definition, Roberts Rules of Order designates the Committee of the Whole to be used for a single topic.

She added that at that time, two other counties were seeking to use the Committee of the Whole in place of small committees. The issues for other counties arose when there were political party disagreements, and the counties were seeking a more level playing field. For historical information, Benton County began using the Committee of the Whole format instead of committees in the early 1970's for this same reason, only it was a situation of the tenured JPs not wanting to give new JPs the opportunity for input. She said that at the March AAC meeting, they had a discussion of this issue with members of other Quorum Courts across the state, and that:

- Only 5 counties use Committee of the Whole, but it is basically limited to special meetings on a single topic – a project that all members need the information about at the same time.
- Members of other counties shared concerns that the public might consider the Quorum Court as just rubber stamping the Committee of the Whole and disallowing public input.

JP Anglin stated that since that meeting in March, Act 985 has been adopted. This Act was to amend the Law concerning Quorum Court Committee meetings, and the last sentence states: "A regular committee or special committee of the quorum court shall not consist of more than a quorum of the whole body without the consent of the county judge."

JP Anglin added, in thinking about the concerns, that she had a few of her own, and that she would like to consider how they might increase efficiency of our time and money. She asked if they could function without monthly scheduled Committee of the Whole meetings and only utilize them for special topics or presentations, citing examples such as the Blue Book revision, the presentation on the Courthouse by the National Expert on Judicial Centers, or the EMS discussion. She noted that those making presentations might appreciate the fact that it only took one presentation rather than three. She said this would have allowed the JP's to hear the same presentation and have the opportunity to ask pertinent questions at the same time.

JP Anglin made motion to discontinue the practice of meeting as Committee of the Whole on a regular monthly basis and utilize the committee for special projects or the yearly budget process and asked for discussion.

County Attorney George Spence stated that the way that the court does business now was approved and established by the County Judge. He stated if they quit having regular Committee of the Whole meetings and decided to have the Committee of the Whole only for specific items, under Act 985 the County Judge would have to approve it.

Lengthy discussion was held on changing the committee structure and the Committee of the Whole.

County Attorney George Spence stated that he does find the system of having both the small issue committees and the Committee of the Whole to be unusual. He stated if they were to decide to change the committee structure that they have now, that they might want to go with only the smaller issue committees, or just having the Committee of the Whole, but not both.

Further discussion was held on how the smaller committees work and on continuing to meet as the Committee of the Whole.

JP Moore stated that he wanted to point out that meeting as the Committee of the Whole before the Quorum Court meeting gives the court time to make any changes needed to an agenda item before it goes to the Quorum Court.

County Attorney George Spence suggested that it might be useful to create a system that the Chairman and the County Judge make the decision on what should be heard by all of the Justices of the Peace at the Committee of the Whole committee.

JP Moore asked County Attorney George Spence to work on changes for committee structure and present it at the June 11, 2013 Committee of the Whole meeting.

JP Moore requested that committee reports be presented at the Committee of the Whole.

OTHER BUSINESS

None

ANNOUNCEMENTS

None

ADJOURNMENT

Upon motion and seconded meeting adjourned at 9:04 p.m.